

Part 9

Appointed Officials and Their Duties

10-3-902 City engineer required to be licensed.

Each person appointed as city engineer shall be a registered professional engineer under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

Amended by Chapter 19, 2008 General Session

10-3-903 City engineer -- Custodian of records of public improvements.

The city engineer's office in cities of the first and the second class shall be an office of record for all maps, plans, plats, profiles, drawings, final estimates, specifications and contracts which in any way relate to the public improvements and engineering affairs of the city. The city engineer shall be custodian of all drawings and documents above mentioned.

Enacted by Chapter 48, 1977 General Session

10-3-904 Books and supplies -- Recording, filing and inspection.

The city engineer's office shall be supplied with all necessary books, cases and supplies for recording and filing as required. The city engineer shall record and file all drawings and documents pertaining to public lands and improvements. Those made in his office shall be placed on record as soon as completed and shall then be open for public inspections, and any person copying the same or taking notes therefrom may do so in pencil only. He shall keep the records and files in good condition and turn the same over to his successor in office. He shall allow no alteration, mutilation or changes to be made in any matter of record, and shall be held strictly accountable for the same.

Enacted by Chapter 48, 1977 General Session

10-3-905 Fees to be paid in advance.

The city engineer may not record any drawings or instruments, or file any papers or notices, or furnish any copies, or render any service connected with his office, until the fees for the same are paid or tendered as prescribed by law or ordinance.

Amended by Chapter 378, 2010 General Session

10-3-906 Seal.

The city engineer shall be provided with a seal by the city for his use, containing the words "____City, Utah, Engineering Department." The seal shall be affixed to every certification approval.

Enacted by Chapter 48, 1977 General Session

10-3-907 Recordation not to interfere with other recordation.

The recording or filing of any drawing or instrument in the city engineer's office may not interfere or conflict in any way with the recording or filing of the same in other offices of record.

Amended by Chapter 378, 2010 General Session

10-3-908 Noncompliance a misdemeanor.

Any city engineer who fails to comply with Sections 10-3-903 through 10-3-907 is guilty of a misdemeanor.

Enacted by Chapter 48, 1977 General Session

10-3-909 Police and fire departments in cities of the first and second class.

Each city of the first or the second class shall provide police services and may create, support, maintain, and control a fire department in the city.

Amended by Chapter 79, 1998 General Session

10-3-910 Heads of departments and subordinate officers.

The administration of the police and fire departments shall consist of a chief of the department and such officers, members, employees and agents as the board of commissioners may by ordinance prescribe, and the board of commissioners shall appoint the heads of such departments.

Enacted by Chapter 48, 1977 General Session

10-3-912 Chief of department may suspend subordinates.

- (1) The chief of each department may at any time suspend any subordinate officers, members, employees, or agents employed therein when in his judgment the good of the service demands it, and during the time of suspension, the person suspended is not entitled to any salary or compensation whatsoever.
- (2) Any suspension of employees in the classified civil service which exceeds three days or 24 working hours is subject to an appeal to the civil service commission as provided in Section 10-3-1012.

Amended by Chapter 378, 2010 General Session

10-3-913 Authority of chief of police.

- (1) The chief of police has the same authority as the sheriff within the boundaries of the municipality of appointment. The chief has authority to:
 - (a) suppress riots, disturbances, and breaches of the peace;
 - (b) apprehend all persons violating state laws or city ordinances;
 - (c) diligently discharge his duties and enforce all ordinances of the city to preserve the peace, good order, and protection of the rights and property of all persons; and
 - (d) attend the municipal justice court located within the city when required, provide security for the court, and obey its orders and directions.
- (2) This section is not a limitation of a police chief's statewide authority as otherwise provided by law.
- (3) The chief of police shall, on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender.

Amended by Chapter 219, 2002 General Session

10-3-914 Police officers -- Authority.

- (1) Within the boundaries of the municipality, police officers have the same authority as deputy sheriffs, including at all times the authority to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads, and highways, enforce every law relating to the suppression of offenses, and perform all duties required of them by ordinance or resolution.
- (2) This section is not a limitation of a police officer's statewide authority as otherwise provided by law.

Amended by Chapter 44, 1990 General Session

10-3-915 Rights to arrest without warrant.

The members of the police force shall have the power and authority, without process, to arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of the officer, or within his view, any breach of the peace, or any offense directly prohibited by the laws of this state or by ordinance.

Enacted by Chapter 48, 1977 General Session

10-3-916 Appointment of recorder and treasurer in a city of third, fourth, or fifth class or a town -- Vacancies in office.

- (1) In each city of the third, fourth, or fifth class and in each town, on or before the first Monday in February following a municipal election, the mayor, with the advice and consent of the city council, shall appoint a qualified person to each of the offices of city recorder and treasurer.
- (2) The city recorder is ex officio the city auditor and shall perform the duties of that office.
- (3) The mayor, with the advice and consent of the council, may also appoint and fill vacancies in all offices provided for by law or ordinance.
- (4) All appointed officers shall continue in office until their successors are appointed and qualified.

Amended by Chapter 292, 2003 General Session

10-3-917 Engineer in a city of the third, fourth, or fifth class or town.

The governing body of a city of the third, fourth, or fifth class or a town may by ordinance establish the office of municipal engineer and prescribe the duties and obligations for that office which are consistent with the duties and obligations of the city engineer in cities of the first and second class. If a city of the third, fourth, or fifth class or town uses the engineer employed by the county in which the municipality is located, the municipality may, by ordinance prescribe for its municipal engineer either the duties of a municipal engineer or, if different, the duties of the county engineer, or a combination of duties.

Amended by Chapter 292, 2003 General Session

10-3-918 Chief of police or marshal in a city of the third, fourth, or fifth class or town.

The chief of police or marshal in each city of the third, fourth, or fifth class or town:

- (1) shall:
 - (a) exercise and perform the duties that are prescribed by the legislative body;

- (b) be under the direction, control, and supervision of the person or body that appointed the chief or marshal; and
 - (c) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender; and
- (2) may, with the consent of the person or body that appointed the chief or marshal, appoint assistants to the chief of police or marshal.

Amended by Chapter 292, 2003 General Session

10-3-919 Powers, duties, and obligations of police chief, marshal, and their assistants in a city of the third, fourth, or fifth class or town.

The chief of police, marshals, and their assistants in a city of the third, fourth, or fifth class or town shall have all of the powers, rights, and duties respectively conferred on such officers in Sections 10-3-913 through 10-3-915.

Amended by Chapter 292, 2003 General Session

10-3-920 Bail commissioner -- Powers and duties.

- (1) With the advice and consent of the city council and the board of commissioners in other cities, the mayor of a city of the third, fourth, or fifth class may appoint from among the officers and members of the police department of the city one or more discreet persons as a bail commissioner.
- (2) A bail commissioner shall have authority to fix and receive bail for a person arrested within the corporate limits of the city in accordance with the uniform bail schedule adopted by the Judicial Council or a reasonable bail for city ordinances not contained in the schedule for:
 - (a) misdemeanors under the laws of the state; or
 - (b) violation of the city ordinances.
- (3) A person who has been ordered by a bail commissioner to give bail may deposit with the bail commissioner the amount:
 - (a) in money, by cash, certified or cashier's check, personal check with check guarantee card, money order, or credit card, if the bail commissioner has chosen to establish any of those options; or
 - (b) by a bond issued by a licensed bail bond surety.
- (4) Any money or bond collected by a bail commissioner shall be delivered to the appropriate court within three days of receipt of the money or bond.
- (5) The court may review the amount of bail ordered by a bail commissioner and modify the amount of bail required for good cause.

Amended by Chapter 99, 2015 General Session

10-3-921 Fines -- Collection by bail commissioner -- Disposition.

- (1) In addition to the duty of fixing bail, a bail commissioner shall have power to collect and receipt money tendered in payment of the fine of a person serving sentence in default of the payment of such fine, when the court is closed.
- (2) Money collected by a bail commissioner shall be delivered to the court that issued the commitment order within three days of receipt of the money.

Amended by Chapter 283, 1990 General Session

10-3-922 Term of bail commissioners -- Salary -- Bond and oath.

- (1) A bail commissioner appointed under this part shall:
 - (a) serve at the pleasure of the governing body or mayor that appoints him; and
 - (b) receive no compensation as a bail commissioner.
- (2) Before beginning his duties as a bail commissioner, he shall:
 - (a) take and subscribe an oath to faithfully and impartially discharge the duties of his office;
 - (b) give a \$2,500 bond to the city wherein he is appointed, with two good and sufficient individual sureties or with a single corporate surety, that is approved by the governing body or mayor appointing him for the faithful performance of his duties as a bail commissioner; and
 - (c) account for and turn over to the clerk of the appropriate court within three days receipt of all money, bonds, property, and records coming into his hands as a bail commissioner.
- (3) At the expiration of his term of office, the bail commissioner shall surrender and turn over all funds, bonds, property, papers and records then in his hands pertaining to his office.
- (4) Suit upon any bond issued under this section may be brought by any county, city, or person injured as a result of a bail commissioner's action.

Amended by Chapter 283, 1990 General Session

10-3-928 Attorney duties -- Deputy public prosecutor.

In cities with a city attorney, the city attorney:

- (1) may prosecute violations of city ordinances;
- (2) may prosecute, under state law, infractions and misdemeanors occurring within the boundaries of the municipality;
- (3) has the same powers in respect to violations as are exercised by a county attorney or district attorney, except that a city attorney's authority to grant immunity shall be limited to:
 - (a) granting transactional immunity for violations of city ordinances; and
 - (b) granting transactional immunity under state law for infractions and misdemeanors occurring within the boundaries of the municipality;
- (4) shall represent the interests of the state or the municipality in the appeal of any matter prosecuted in any trial court by the city attorney;
- (5) may cooperate with the Office of the Attorney General during investigations, including those described in Subsection 67-5-18(3)(f); and
- (6) may designate a city attorney from another municipality or a public prosecutor to prosecute a matter, in the court having jurisdiction over the matter, if the city attorney has a conflict of interest regarding the matter being prosecuted.

Amended by Chapter 75, 2011 General Session